

Remarks:

Responsive to the Official Action mailed January 24, 2005, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-7 in view of the above amendments and the following remarks.

The Examiner has first objected to the abstract of the disclosure on various grounds. Submitted herewith is a substitute specification including an abstract that, applicant submits is in proper form and of the proper content (and size) and respectfully requests that the Examiner withdraw this objection.

Next, the Examiner has objected to the drawing on the grounds that each part of the invention such as the handlebar in claim 1 should be designated by a referential numeral or character, the various parts in Fig. 1 should be embraced by a bracket in order to show their relationship, the figures are inconsistent with each other, e.g., Fig. 1 shows that the fork 16 is oriented horizontally, however, Fig. 2 shows that the fork 16 is oriented vertically and the figures are inconsistent with the claims, e.g., claim 1 recites "a tube (2) extending vertically from handlebar with an end (13)," however, Fig. 1 shows that the tube 2 extends horizontally.

Applicant respectfully traverses the Examiner's objection to the drawings. Specifically, it is Applicant's position that the amendment replacing --handlebar with an end (13)-- with handlebar base (13) addresses many of the Examiner's concerns with respect to the general clarity of the specification and coordination and consistency between the drawings and the specification.

Applicant submits that each part of the claimed invention is in fact shown and identified in the drawings. As to the handlebar (now referring to the handlebar base 13), this shown in the figures.

As to embracing the parts within a bracket in figure 1, it is suggested and submitted that the drawings is (and will be) more clear without a bracket and that the positional and functional relationship of the various parts is readily understood by a review of figures 2 and 3.

With respect to the asserted inconsistencies, Applicant submits that Fig. 1 shows the fork 16 oriented vertically and that the orientation of the fork 16 in Fig. 1 is the same as that shown in

Fig. 2 (that is, also that the tube (2) in Fig. 1 extends vertically) and that it is merely the perspective from which the invention is viewed that results in an appearance otherwise.

Again, as to the Examiner's objection vis-à-vis showing the handlebar, Applicant submits that the amendments directed to (and to include) the handlebar base (13) overcome these objections.

Next, the Examiner has objected to claims 1-7 on various formal grounds, including that the claims provide no antecedent basis for terms such as "they" and "it" and that the claims include grammatical and typographical errors.

Applicant has made an extensive review and series of amendments to the claims to address that antecedent and grammatical issues and submits that as amended, these issues have been addressed. Accordingly, Applicant requests that these objections be withdrawn.

Next, the Examiner has rejected Claims 1-7 under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that it is unclear in that there are a confusing variety of terms such as "a lug bolt" and "lug bolt" and "a hole" and "hole" in claim 1 and it is unclear whether these refer to the same or different things. In addition, terms appear at least twice such as "a hole" in claim and it is unclear whether these refer to the same or different things. And, that the recitation "the perpendicular direction" in claim 1 is indefinite since it is unclear as to what it is perpendicular relative to.

Accordingly, Applicant has amended the claims and submits that any such unclear or confusing language has been better defined. To this end, Application respectfully submits that the rejections under section 112 have been addressed and requests that the Examiner withdraw this rejection.

Last, the Examiner has rejected Claims 1, 2, 6, and 7, as best understood, under 35 U.S.C. 102(b) as anticipated by Pan, U.S. Patent No. 5,492,350. Regarding claim 1, the Examiner asserts that Pan teaches an overturning and folding device for a handlebar, with an end (at 10 in Fig. 5), a connecting member (2,3) next to the end, an eccentric axle (5) and a lug bolt (4), a hole in the axial direction and a hole in the perpendicular direction are formed at an end of the tube,

and they communicate with each other. Further, the Examiner characterizes Pan as showing the member (2, 3) is engaged to a fork (12) of a bicycle, it defines a space (defined by side plates 27) through which the lug bolt (4) can rotate from an axial position to perpendicular position, that the lug bolt (4) is fixed within the hole and space by a fastener (5). Further it is asserted that the eccentric axle (5) is fitted rotatably in the hole and a hole (41) on a head of the lug bolt (4).

Regarding claim 2, it is asserted that a protrusion on the end is provided to match a recess (221) formed in the corresponding position of said connecting member. Regarding claim 6, it is asserted that the eccentric axle (5) is connected to a lever (62) and regarding claim 7, it is asserted that the fastener (5) is a nut.

In addition, the Examiner has indicated that claims 3-5 would be allowable if rewritten to overcome the rejections under Section 112 and to include the base and any intervening claims.

Applicant respectfully traverses the Section 102 rejections based on Pan. Essentially, the device disclosed in Pan is just background to the present invention. More specifically, and addressing each point, Pan *requires* two connecting members (2, 3), which is in complete contrast to the presently claimed invention which carries this out with only one connecting member (15). Clearly this is an advantage of the present invention over the device of Pan. In addition, Pan does not use an eccentric axle, but uses a threaded rod instead. The eccentric axle and threaded rod are two parts that are totally different in structure and operation, see, specifically the description of the threaded rod at Col. 4, lines 56-65.

Moreover, Pan does not disclose that the two holes are “formed at the handlebar base (13)” as now claimed, which are in communication with each other.

Last, the “space” in the device of Pan functions as a receiving space for the connecting member (3) (see Col. 4, lines 47-55), which can not act as a space “through which the lug bolt(4) can rotate from an axial position to a perpendicular position” as claimed. Thus, it is Applicant’s position that as cited by the examiner (and for the purpose or function as asserted by the Examiner) the “lug bolt (4)” can only rotate in a direction toward or away from the first pivot pin 20 (which is shown in Col. 5, lines 10-17).

In conclusion, Applicant submits that the claims as amended, namely claims 1-7 are in condition for allowance and respectfully and earnestly solicits early indication of same. Applicant also respectfully requests that the substitute specification be entered in the application file. Applicant submits that no new matter is added by the substitute specification.

A petition for a one-month extension of time is submitted herewith along with a check in the amount of \$60.00 for the fee associated therewith. Applicant submits that there are no additional fees due. If however, any additional fees are due, he Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920. Should any additional petitions be necessary, Applicant requests that this paper constitute such petition.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, it is respectfully requested that the undersigned be contacted.

Respectfully submitted,

WELSH & KATZ, LTD.

By

Mitchell J. Weinstein
Reg. No. 37,963

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WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500 Telephone
(312) 655-1501 Facsimile